



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
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DA No. 09-2076

Friday September 18, 2009

Report No. SAT-00634

## POLICY BRANCH INFORMATION

### Actions Taken

The Commission, by its International Bureau, took the following actions pursuant to delegated authority. The effective date of these actions is the release date of this Notice, except where an effective date is specified.

#### INFORMATIVE

**SAT-LOA-19971222-00222** S2346 ATCONTACT COMMUNICATIONS, LLC

On September 17, 2009, the Satellite Division granted the motion of ATCONTACT Communications, LLC (ATCONTACT) to designate the proceeding involving its authorization to launch and operate a non-geostationary orbit fixed-satellite system in the Ka-band frequencies as "permit-but-disclose" for purposes of the Commission's rules governing ex parte communications. See Motion to Designate Proceeding as "Permit-But-Disclose," filed by ATCONTACT Communications, LLC, on September 4, 2009. On August 21, 2009, the International Bureau released an order declaring ATCONTACT's authorization null and void for failure to meet milestone requirements. The Bureau also found that ATCONTACT's requests to modify its authorization and its associated bond waiver and milestone requests were rendered moot. We find that designating this proceeding as "permit-but-disclose" will facilitate communication with the parties. Thus, we designate IBFS File Nos. SAT-LOA-19971222-00222, SAT-LOA-20040322-00234/35/36/37, SAT-MOD-20060511-00057/58/59/60, SAT-AMD-20031030-00317, SAT-AMD-20040719-00141, SAT-AMD-20040322-00057, SAT-AMD-20051118-00243, SAT-MOD-20070924-00130, SAT-AMD-20071215-00176, SAT-MOD-20070924-00132, SAT-AMD-20080505-00100, SAT-AMD-20080505-00096, SAT-AMD-20080505-00099, SAT-MOD-20080813-00155, SAT-AMD-20080930-00195, and SAT-AMD-20080930-00194 as "permit-but-disclose," effective September 17, 2009. See 47 C.F.R. §§ 1.1200(a), 1.1206 and 1.1208 note 2.

**SAT-STA-20090701-00071**

Sirius XM Radio Inc.

On September 16, 2009, the Policy Branch granted the request of Sirius XM Radio Inc. to designate its application for special temporary authority to operate terrestrial repeaters in Cincinnati, Ohio, as "permit-but-disclose" for purposes of the Commission's rules governing ex parte communications. See Request for "Permit-But-Disclose" Ex Parte Status, filed by Sirius XM Radio Inc. on September 10, 2009. We find that designating this proceeding as "permit-but-disclose" will facilitate resolution of the complex policy issues raised by the application. In addition, changing the ex parte status of the proceeding will make the ex parte status of the application consistent with the "permit but disclose" status already in effect in a related rulemaking in which the same questions of law and policy are at issue. See Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310-2360 MHz Frequency Band, IB Docket No. 97-91, Second Further Notice of Proposed Rulemaking, 22 FCC Rcd 22123 (2007). Thus, we designate IBFS File No. SAT-STA-20090701-00071 as "permit-but-disclose," effective September 16, 2009. See 47 C.F.R. §§ 1.1200(a), 1.1206 and 1.1208 note 2. This action is without prejudice to any determination regarding the processing of the application.

For more information concerning this Notice, contact the Satellite Division at 202-418-0719; TTY 202-418-2555.